

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ELIZABETH M. MAYS, et al.
On behalf of themselves and a class
of employees and/or former employees
similarly situated,

v.

Case No. 14-CV-396

4 MILE, INC., et al.

**AFFIDAVIT OF ATTORNEY JUSTIN W. PETERSON IN SUPPORT OF PLAINTIFFS'
BRIEF IN OPPOSITION TO DEFENDANTS' MOTION TO STRIKE**

Justin W. Peterson, being first duly sworn on oath, and in support of the plaintiffs' brief in opposition to the defendants' motion to strike, does herewith depose and state to the Court as follows:

1. That I am the record attorney for the plaintiffs in this collective and class action.
2. I initiated this action on June 3, 2014 by filing a complaint on behalf of a class of exotic dancers at the 4 Mile Club in Fountain City, Wisconsin.
3. That since that time, I have been solely responsible for authoring and filing any subsequent documents with the Court. I have also been responsible for building the facts of the case.
4. More so than in other cases, the difficulty in this case has always been establishing contact and rapport with class members.
5. Dancers are hesitant to speak with strangers about the nature of their work, fearing public exposure and ridicule or that they will be "black-listed" from working at the 4 Mile Club or other

clubs if they become involved with this litigation. Many also have family members that do not know about their occupation and would not understand it.

6. Because of these difficulties, I spent an unexpected amount of time contacting dancers, answering their questions, interviewing other former employees, and establishing the facts of the case.

7. These efforts became critical, as counsel for the defendants indicated that they would attempt to dislodge plaintiff Elizabeth Mays as a class representative, citing credibility issues. My focus thus shifted to identifying other class members who would be willing to serve as co-plaintiffs with Mays. Ultimately, class members came forward to serve as plaintiffs, and I amended the Complaint accordingly.

8. While I was engrossed with these other aspects of the case, the defendants brought their motion for summary judgment in an attempt to get Sylvester Weaver dismissed from the case. Their motion was supported by a declaration from Weaver and included Proposed Findings of Fact.

9. I was aware of local rules requiring me to respond to the defendants' Proposed Findings, having received and read the Court's Preliminary Pretrial Conference Order on August 7, 2014.

10. I drafted and timely filed a brief in opposition to the motion, but, distracted with trying to locate additional plaintiffs, I forgot the local rule and failed to respond to the Proposed Findings.

11. I learned of my error on September 15, 2014 when the defendants filed their reply brief.

12. I immediately drafted Proposed Findings and responses to the defendants' Proposed Findings.

13. It was unclear to me whether I needed to request leave to file the documents to comply local rules, as I had already met the deadline with my brief. In good faith and in order to avoid

any further inconvenience to the Court and the parties, however, I filed the documents the next day, 13 days late.


14. The Proposed Findings and Responses to the defendants' Proposed Findings did not contain any new evidence or information. I lifted them almost word-for-word from the brief in opposition I previously filed.

Dated this 2nd day of October, 2014.



Attorney Justin W. Peterson

Subscribed and sworn to before me
this 2nd day of October, 2014



Bridget L. Thrower, Notary Public
La Crosse County, Wisconsin
My Commission expires: 02/10/2018

